

RESOLUTION NO. 109-B - 2021

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ISSUE FUNDING NOTICES AND/OR ENTER INTO AND EXECUTE AMENDMENTS TO EXISTING COUNTY CONTRACTS ON BEHALF OF THE COUNTY'S DEPARTMENT OF HUMAN SERVICES, OFFICE OF MENTAL HEALTH, CHEMICAL DEPENDENCY AND DEVELOPMENTAL DISABILITIES, WITH VARIOUS NOT-FOR-PROFIT AGENCIES THAT ARE FUNDED WITH MONEYS RECEIVED BY THE COUNTY UNDER THE AMERICAN RESCUE PLAN'S CORONAVIRUS LOCAL FISCAL RECOVERY FUND AND WHICH HAVE BEEN SUPPLEMENTALLY APPROPRIATED TO FUND CONTRACTS WITH SUCH AGENCIES TO PROVIDE SERVICES THAT WILL RESPOND TO THE EFFECTS OF THE PUBLIC HEALTH EMERGENCY CAUSED BY THE COVID-19 PANDEMIC OR ITS NEGATIVE ECONOMIC IMPACTS.

WHEREAS, the County has received \$62,900,000 from the Coronavirus State and Local Fiscal Recovery Fund that was established pursuant to Subtitle M of Title IX of the American Rescue Plan Act of 2021; and

WHEREAS, the legislation establishing the Coronavirus State and Local Fiscal Recovery Funds (the "SLFRF") authorizes counties to use such funds, among other things, "to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses and nonprofits, or aid to impacted industries such as tourism, travel and hospitality"; and

WHEREAS, the United States Department of the Treasury has published an Interim Final Rule and guidance further detailing the permissible uses of the SLFRF moneys (the "Interim Final Rule"); and

WHEREAS, section 35.6(b) of the Interim Final Rule, which appears in Title 31 of the Code of Federal Regulations, provides a non-exclusive list of specific permissible uses of SLFRF funds to respond to the public health emergency or its negative economic impacts; and

WHEREAS, these enumerated uses include, among other things, expenditures for:

- (i) the mitigation and prevention of COVID-19, including mental health treatment,

substance misuse treatment, and other behavioral health services; (ii) grants or other assistance to nonprofit organizations that respond to the negative economic impacts of the COVID-19 emergency; (iii) programs, services or other assistance that provide services to households, businesses or populations disproportionately affected by the COVID-19 public health emergency, including programs or services that facilitate access to health and social services or that address housing insecurity, lack of affordable housing, or homelessness; (iv) programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education; and (v) programs or service that address or mitigate the impacts of the public health emergency on childhood health or welfare; and

WHEREAS, the County in Ordinance No. 63-2021 supplementally appropriated moneys from the County's SLFRF allocation to fund contracts with not-for-profit agencies that provide support for veterans, behavioral health support, educational and academic support and related services for youth, health, counseling and other related services for seniors, and other health and social services programs for the County's most vulnerable residents; and

WHEREAS, the County's Department of Human Services, Office of Mental Health, Chemical Dependency and Developmental Disabilities, currently has contracts with not-for-profit agencies that can provide certain of these services as described, and for the amounts listed, in Appendix A of this Resolution (the "Existing Contracts"); and

WHEREAS, it is in the best interest of the County and its residents to promptly negotiate amendments to these Existing Contracts and/or issue funding notices authorizing additional moneys for such Existing Contracts so that these critical services can be provided as expeditiously as possible to those in need;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue funding notices and/or negotiate and execute amendments to any and all of the Existing Contracts, which funding notices or amendments will be funded exclusively by SLFRF moneys received by the County under the American Rescue Plan Act of 2021 to be spent in compliance with such legislation, the Interim Final Rule (and final rule when effective), applicable federal contract provisions, and all other applicable federal law and regulation, and which have

been supplementally appropriated in Ordinance No. 63-2021 for the County to enter into contracts for purposes specified in that Ordinance; and be it further

RESOLVED, that all such contract amendments and/or funding notices shall be for enhanced and/or new services that are related to responding to the COVID-19 public health emergency or its negative economic impacts and shall be subject to different and separate payment terms and conditions from the pre-existing contracts, including payment in advance following the contractor's submission of a satisfactorily completed application through the Boost Nassau Portal, compliance with all applicable reporting, recordkeeping or other requirements set forth for contract amendments and/or funding notices processed through the Boost Nassau Portal, and a separate close-out procedure that will include a reconciliation of the grant funds provided under any such contract amendments and/or funding notices; and be it further

RESOLVED, that such amendments and/or funding notices shall not affect County funding for services provided under the Existing Contracts; and be it further

RESOLVED, that all such contract amendments and/or funding notices shall be filed with the Clerk of the Legislature so that they may be listed at the end of the legislative calendar, as appropriate; and be it further

RESOLVED, that the County Executive is authorized to (i) execute any and all grant agreements and other instruments, agreements, ancillary agreements, funding notices, amendments to Existing Contracts, and to take such other action as is necessary to effectuate and carry out the receipt and disbursement of such grant funds in accordance with Appendix A; and (ii) suspend any vendor disclosure requirements as necessary in order to expedite the disbursement of such grant funds; and be it further

RESOLVED, that pursuant to the provisions of SEQRA, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., the proposed action under this Resolution has been determined not to have any significant adverse impacts on the environment and no further review is required.

